

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**ISABEL SANTAMARIA,**

**Plaintiff,**

v.

**Case No: 6:18-cv-1618-Orl-41TBS**

**CARRINGTON MORTGAGE  
SERVICES, LLC, BANK OF AMERICA,  
N.A., AKERMAN LLP, LIEBLER,  
GONZALEZ & PORTUONDO, P.A.,  
MARINOSCI LAW GROUP, P.C., P.A.,  
WILLIAM P. GRAY, PAUL W.  
ETTORI, SCOTT R. STENGEL,  
SAHILY SERRADET and MICHAEL P.  
GELETY,**

**Defendants.**

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**ORDER**

THIS CAUSE is before the Court on Plaintiff's Renewed Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 6), which has been construed as a renewed motion to proceed *in forma pauperis*. United States Magistrate Judge Thomas B. Smith submitted a Report and Recommendation ("R&R," Doc. 9), in which he recommends the Motion be denied and the Complaint be dismissed with leave to amend. (*Id.* at 18).

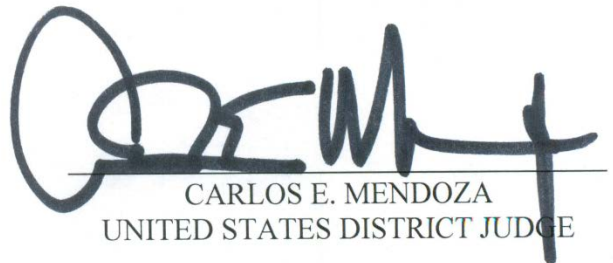
Plaintiff filed a Response and Objection to the R&R (Doc. 12) several days after the deadline. As such, the Court is under no obligation to consider Plaintiff's Objections. Nonetheless, because the Court is obligated to hold *pro se* parties to less stringent standards, they were reviewed and considered. The Objections, for the most part, are merely a recitation of the same arguments Plaintiff made in the Complaint—that every person and entity she came across in her underlying litigation was mean to her, and as Judge Smith clearly sets forth, just being unkind without more

is not a cognizable claim under the ADA. (Doc. 9 at 15; *Shotz v. City of Plantation*, 344 F.3d 1161, 1181 (11<sup>th</sup> Cir. 2003)).

Judge Smith conducted a thorough analysis of Plaintiff's Complaint and found that Plaintiff failed to allege a cognizable cause of action. (Doc. 9 at 17). After a *de novo* review of the record in this matter, the Court agrees entirely with the analysis in the R&R. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 9) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Renewed Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Doc. 6), construed as a renewed motion to proceed *in forma pauperis* (Doc. 6) is **DENIED**.
3. The Complaint (Doc. 1) is **DISMISSED without prejudice. On or before February 27, 2019**, Plaintiff may file an amended complaint and a renewed motion to proceed *in forma pauperis*. Failure to do so may result in a dismissal of this case with prejudice without further notice.

**DONE** and **ORDERED** in Orlando, Florida on February 6, 2019.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party